

SDO 440 (Rev 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

D.B. ZWIRN SPECIAL OPPORTUNITIES  
FUND L.P.

Plaintiffs,

V.

DEL CASTELLO GALLERY, INC. (f/k/a  
MDC Vacuum Products Corporation) a  
California Corporation, and  
MICHAEL DEL CASTELLO

Defendants

### SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 3044

TO: (Name and address of Defendant)

Del Castello Gallery, Inc.  
c/o Michael Del Castello  
5401 S.E. Scenic Lane  
Unit 104  
Vancouver, WA 98661

Michael Del Castello  
5401 S.E. Scenic Lane  
Unit 104  
Vancouver, WA 98661

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

George Royle V, Esq.  
Latham & Watkins LLP  
885 Third Avenue  
New York, NY 10022

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL MATHON

MAR 25 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

D.B. ZWIRN SPECIAL OPPORTUNITIES FUND L.P.,

Plaintiff,

v.

DEL CASTELLO GALLERY, INC. (f/k/a MDC  
Vacuum Products Corporation), a California  
Corporation, and MICHAEL DEL CASTELLO,

Defendants.

08 Civ. 3044 (AKH)(GWG)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

JESSICA L. BENGELS, being duly sworn, deposes and says:

1. I am over 18 years of age and am employed by Latham & Watkins LLP and am not a party to this action.

2. On Tuesday, March 25, 2008, I served true and correct copies of a: (1) Summons in a Civil Action, dated 3/25/08; (2) Complaint, dated 3/25/08; (3) Civil Cover Sheet, dated 3/25/08; (4) FRCP 7.1 Statement, dated 3/25/08; and (5) Individual Practices of Judge Alvin K. Hellerstein and Magistrate Judge Gabriel W. Gorenstein, via Registered Mail, Return Receipt Requested, though the United States Postal Service, in accordance with the terms of Section 3.04 of the Seller Note and Put Option Subordination Agreement, dated 12/9/05, and Section 3.04 of the Consulting Fee Subordination Agreement, dated 12/9/05 (true and correct copies of which were attached as Exhibits 1 and 2 to the aforementioned complaint), upon:

Del Castello Gallery, Inc.  
c/o Michael Del Castello  
5401 S.E. Scenic Lane  
Unit 104  
Vancouver, WA 98661

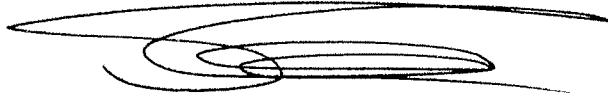
- and -

Michael Del Castello  
5401 S.E. Scenic Lane  
Unit 104  
Vancouver, WA 98661

by delivering and leaving same in an official depository of the United States Postal Service located at 885 Third Avenue, New York, N.Y. 10022.

  
JESSICA L. BENGELS

Sworn to before me this  
27<sup>th</sup> day of March, 2008



Notary Public

**JASON A. GROSSMAN**  
Notary Public, State of New York  
No. 02GR6144344  
Qualified in Suffolk County  
Commission Expires April 24, 2010